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# Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# Saudi Arabia: is this what is to be expected of a UN Human Rights Council member (Part 1)?

Saudi Arabia was elected as Council member in November 2013 and made some important pledges. It made additional ones during its Universal Periodic Review in 2014. However, with the exception of minor improvements in limited areas, the overall human rights situation over the country has deteriorated in the past two years. This statement focuses on violations of rights to freedom of expression, peaceful assembly and association.[1]

Amnesty International is extremely concerned that the Saudi Arabian authorities have not only shut down all independent human rights organizations and imprisoned the country's most prominent human rights activists; they have also harassed and intimidated activists and family members of victims of human rights violations to prevent them from contacting Amnesty International and other international organizations. We are aware of cases of executions where families were harassed and prevented from contacting Amnesty International about their four sons who were to be executed after an unfair trial, and we have also seen court documents in which the defendants were charged and sentenced to prison term for contact with a "foreign body" and Amnesty International was named as one body in some of those court documents.

**Human Rights Defenders**

Since early 2013, all of Saudi Arabia's prominent and independent human rights defenders (HRDs) have either been imprisoned, threatened into silence, or fled the country. Most of them had already been subjected to arbitrary travel bans, and had endured intimidation and harassment by security forces, particularly by the Ministry of Interior's General Directorate of Investigations, before being taken to courts and given harsh sentences. Many of them were sentenced after grossly unfair trials by the Specialized Criminal Court (SCC), which is a special security and counter-terrorism court whose jurisdiction and procedures are unspecified.

Among the HRDs who have been imprisoned are members of the Saudi Civil and Political Rights Association (ACPRA), such as former judge Sheikh Suliaman al-Rashudi, Dr Abdullah al-Hamid, Dr Mohammed al-Qahtani, Dr Abdulkareem al-Khodr, Mohammed al-Bajadi, Fowzan al-Harbi, Dr Abdulrahman al-Hamid, Saleh al-Ashwan and Omar al-Sa'id. Other HRDs who have been imprisoned are Waleed Abu al-Khair, founder and head of the independent Saudi Arabian Monitor for Human Rights and the first activist to be sentenced under the new counter-terrorism law, and Fadhel al-Manasif, co-founder of the Adala Center for Human Rights.
A number of other HRDs are either undergoing unfair trials or have been sentenced and await imprisonment. They include Abdulaziz al-Shubaily, Issa al-Hamid, and Mikhlif al-Shammari.

Women who supported the Women2Drive campaign, launched in 2011 to challenge the prohibition on women driving cars, faced harassment and intimidation by the authorities, and were threatened with arrest and detention. In early December 2014, Loujain al-Hathloul and Maysa al-Amoudi, two supporters of the campaign were arrested at the border with the United Arab Emirates for driving their cars. They were later charged with terrorism-related offences in connection with that incident and only released over 70 days later in vague circumstances.

**Freedom of Expression**

The Saudi Arabian authorities have put in place obstacles, both in law and practice, that have severely curtailed the right to free expression.

[1] A version of this statement published on the Amnesty International website includes footnotes and other information (AI Index: MDE 23/015/2015, available at http://www.amnesty.org/en/library/info/MDE23/015/2015/en)

Numerous activists, including bloggers and online activists, have been punished simply for harmless comments that should be protected as free expression. A clear example is the case of Raif Badawi, an online activist who was sentenced to 10 years in prison and 1,000 lashes in April 2014 for setting up a website and encouraging debate on social and political issues. Raif Badawi received the first 50 of his 1,000 lashes on 9 January 2015 and he is at risk of receiving the rest as long as he remains sentenced and imprisoned.

Amnesty International remains extremely concerned about the new anti-terrorism law, the "Law for the Crimes of Terrorism and its Financing", which took effect in February 2014 and has been used against peaceful activists. The law defines "terrorist crimes" in an overly broad and vague manner and in doing so criminalizes forms of peaceful expression as "terrorist crimes". It violates the international legal principle of legal certainty. Articles 1 and 3 of the law state that acts, including words, deemed by the authorities to be, directly or indirectly, "disturbing" public order, "destabilising the security of society or the stability of the state", "exposing its national unity to danger", advocating "revoking the basic law of government or any of its articles", or "harming the reputation of the state or its standing" are considered "terrorist crimes". Anyone, whether Saudi Arabian or a foreign national, whether inside the country or abroad, who is accused of such conduct could be prosecuted as a "terrorist" inside Saudi Arabia.

On 27 October 2014, the SCC sentenced three lawyers, Dr Abdulrahman al-Subaihi, Bander al-Nogaithan, and Abdulrahman al-Rumaih, to between five and eight years in prison and travel bans of seven to 10 years for criticizing the judiciary and the Justice Minister. The lawyers were also banned by the court for an unspecified period of time from talking to media outlets and from posting on social media.

**Freedom of Association**

Saudi Arabia is yet to pass a law of associations to determine the process to establish NGOs, such as human rights organizations, despite a draft law that was sent to the Cabinet for its approval in 2008. In the absence of such a law, human rights organizations have not been able to obtain legal recognition and their members can be, and have been, arrested and charged with "forming an unlicensed organization." Most HRDs mentioned above have been charged and sentenced for long prison terms partly on these grounds.

In 2013, the authorities forcibly closed down all existing independent human rights organizations mentioned above and ordered them to shut down their websites and online presence.
The decree promulgated by the Ministry of Interior in March 2014 extended the new counter-terrorism law's already overly broad definition of terrorism and criminalized the exercise of the rights to freedom of peaceful assembly and association, such as organizing peaceful protests or forming human rights organizations. The decree added to the list of terrorist acts "calling for, participating, publicizing, or inciting protests, demonstrations, gatherings, or group petitions", "attending conferences, lectures, or gatherings inside or outside [the country] that target the security and stability of the country and incites strife in society", and "inciting states, or bodies, or international organizations against the Kingdom".

**Freedom of Assembly**

All forms of peaceful gathering and demonstrations in Saudi Arabia remain banned according to an announcement by the Ministry of Interior on 5 March 2011. Those who break the ban can be charged with "participating in or calling for demonstrations" and "disobeying the ruler" and face imprisonment.
In mid-November 2014, family members of Sheikh Suliaman al-Rashudi, including his wife and daughter, were put on trial in relation to their peaceful activism demanding his release. Media outlets in Saudi Arabia reported that Sheikh Suliaman al-Rashudi's wife has been accused of contacting Amnesty International to discuss the conditions of detention of the former judge and member of ACPRA. Similarly, Amnesty International has received information that family members of other political detainees have been forbidden to talk to media, and forced to close down their social media accounts.

The authorities have also arrested and detained many protestors in the country's Eastern Province since 2011. Most of those detained were released without charge or trial, but those charged were taken to the SCC, which in 2014 sentenced

at least five of them to death and over dozen others to harsh prison terms of up to 25 years. In relation to the protests in the Eastern Province, the SCC in October 2014, also sentenced prominent Shi'a Muslim cleric from Qatif, Sheikh Nimr al-Nimr, to death. In August 2014, it also sentenced another prominent Shi'a cleric, Sheikh Tawfiq al-'Amr to eight years in prison, to be followed by a 10-year travel ban and a ban on delivering religious sermons and public speeches.

**Recommendations**

- As a Council member Saudi Arabia is expected to uphold the highest human rights standards and yet the already poor human rights situation in the country has worsened in the past two years.

- Amnesty International urges the members and observers of the HRC to:

- raise the concerns in this statement in HRC debates and in bilateral dialogues with the Saudi Arabian delegation;

- demand that Saudi Arabia release all human rights defenders and other prisoners of conscience immediately and unconditionally and stop harassing and intimidating human rights activists;
- urge the Saudi Arabian authorities to allow local human rights organizations to operate freely and to allow international human rights organizations to visit the country to carry out human rights research;

- demand that Saudi Arabia uphold its international obligations, including its obligations as a Council member;

- call on Saudi Arabia to accept outstanding mission requests and agree dates for visits by UN Special Procedures, in particular the Special Rapporteurs on human rights defenders, on freedom of peaceful assembly and of association and on freedom of opinion and expression, and the Working Group on Arbitrary Detention, and to provide substantive and timely responses to all Special Procedures' urgent appeals and communications;[2] and

- urge full and prompt implementation of Council election pledges and accepted UPR recommendations and commitments and regular reporting to the HRC on such implementation.

[2] http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx